

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

United States of America,)	CR. NO. 0:07-1149 (CMC)
)	
v.)	OPINION and ORDER
)	
Steven Eddington,)	
)	
Defendant.)	
_____)	

This matter is before the court on Defendant's motion to correct sentence under 28 U.S.C. § 2255, arguing that in light of the Supreme Court's holdings in *Johnson v. United States*, 576 U.S. ___, 135 S. Ct. 2551 (2015) and *United States v. Davis*, ___ U.S. ___, 139 S. Ct. 2319 (2019), Defendant's §924(c) conviction should be vacated and he should be resentenced. ECF No. 431. The Government originally filed a Motion to Dismiss and Response in opposition, prior to the *Davis* decision. ECF No. 446. However, after *Davis*, Defendant filed a supplement requesting expedited review and resentencing after vacating his § 924(c) conviction. ECF No. 459. The Government filed a reply, requesting the court grant Defendant's motion and schedule a full resentencing. ECF No. 463.

The court **grants** the motion for relief under 28 U.S.C. § 2255. Defendant's conviction under § 924(c) contained in the Judgment Order as to Steven Eddington in CR 0:07-1149 filed July 31, 2008 (Count 4), is hereby **vacated**, and the sentence imposed that date is vacated in its entirety. This matter is set for resentencing on **Wednesday, August 28, 2019, at 3:00 p.m.** The Government's motion to dismiss (ECF No. 446) is moot.

IT IS SO ORDERED.

Columbia, South Carolina
July 17, 2019

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge